

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

August 4, 2003

**CALL TO PODIUM:**

**Fred Felton**  
Assistant City Manager

**RESPONSIBLE STAFF:**

**Fred Felton**  
Assistant City Manager

**AGENDA ITEM:**  
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
X	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other: Introduction

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	07-07-03
Advertised	07-23-03
Hearing Date	08-04-03
Record Held Open	
Policy Discussion	

**TITLE:**

An Ordinance to Repeal Chapter 18A of the City Code, Entitled "Smoking and Tobacco Products Placement" Section 18A-1 Through 18A-12 Inclusive

**SUPPORTING BACKGROUND:**

The Mayor and City Council held a public discussion concerning smoking laws on June 2, 2003. During the June 9, 2003 work session, the Mayor and City Council indicated that smoking laws should be uniform throughout the County and directed staff to prepare an ordinance to make the County smoking laws applicable within the City of Gaithersburg.

The agenda item immediately prior to this item was an ordinance to make the County smoking laws applicable within the City of Gaithersburg. If that ordinance is ultimately adopted by the Mayor and City Council, it will be necessary to repeal the City's existing smoking laws.

The attached ordinance repeals the existing Chapter 18A.

**DESIRED OUTCOME:**

Hear presentation. Staff recommends that the Mayor and City Council vote to hold the record open.

# GAZETTE NEWSPAPERS

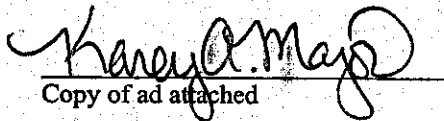
9030 Comprint Court, Gaithersburg, MD 20877. 301-670-2544

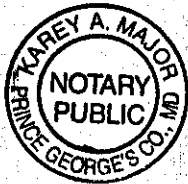
This is to certify that the annexed advertisement of:

**The Notice of Public Hearing – Tobacco Placement**

was published in The Gaithersburg Gazette Newspaper, a weekly newspaper published in Montgomery County, Maryland. The ad appeared once a week for (1) week(s) before the 24th day of July, 2003.

Gaithersburg Publishing Company

  
Copy of ad attached



KAREY A. MAJOR  
Notary Public, State of Maryland  
Prince George's County  
My Commission Expires March 31, 2007

## NOTICE OF PUBLIC HEARING

The Mayor and City Council of the City of Gaithersburg will hold a public hearing on:

MONDAY  
August 4, 2003  
7:30 P.M.

or as soon thereafter as it can be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland on:

AN ORDINANCE TO REPEAL CHAPTER 18A OF THE CITY CODE, ENTITLED "SMOKING AND TOBACCO PRODUCTS PLACEMENT" SECTION 18A-1 THROUGH 18A-12 INCLUSIVE.

Further information may be obtained from the City Manager's Office at City Hall, 31 South Summit Avenue between the hours of 8 a.m. and 5 p.m., Monday through Friday.

David B. Humpton  
City Manager

11/7/23/03

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REPEAL CHAPTER 18A  
ENTITLED "SMOKING AND TOBACCO PRODUCTS  
PLACEMENT" SECTION 18A-1 THROUGH 18A-12 INCLUSIVE.

WHEREAS, Montgomery County, Maryland has enacted comprehensive legislation to regulate and control smoking and the use and placement of tobacco products; and

WHEREAS, the Mayor and City Council believe that it is in the best interests of the inhabitants of the City that controls and regulations pertaining to smoking and the use and placement of tobacco products are best established and enforced on a comprehensive, uniform basis; and

WHEREAS, the City desires that the local laws adopted by Montgomery County, Maryland on this subject be applied and enforced within the City limits.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland in public meeting assembled that Chapter 18A, entitled "Smoking and Tobacco Products Placement" Sections 18A-1 through 18A-12, inclusive are hereby repealed.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003 by the City Council of Gaithersburg, Maryland.

\_\_\_\_\_  
SIDNEY KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this \_\_\_\_\_ day of 2003.  
APPROVED by the Mayor of the City of Gaithersburg, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the \_\_\_\_\_ day of \_\_\_\_\_, 2003 and that the same was approved by the Mayor of City of Gaithersburg on the \_\_\_\_\_ day of \_\_\_\_\_, 2003. This Ordinance will become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
David B. Humpton, City Manager